

Issued September 10, 1912.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1633.

(Given pursuant to section 4 of the Food and Drugs Act.)

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#### ADULTERATION OF TOMATO PUREE.

On December 27, 1911, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, more or less, tomato purée, remaining unsold in the original unbroken packages, in the possession of the Colter Co., Cincinnati, Ohio, alleging that the product had been transported from the State of Pennsylvania into the State of Ohio (date of shipment not shown), and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Climax Brand Tomato Purée. Packed by S. H. Levins Sons, Leipsic, Kent Co., Delaware."

Adulteration was alleged in the libel for the reason that the product consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 25, 1912, Isidor Levin, Philadelphia, Pa., trading and doing business under the name of S. H. Levin's Sons, entered his appearance as claimant of the product. On March 19, 1912, upon motion of the United States Attorney, who had been advised that claimant did not intend to file answer or demurrer to the libel or to oppose the taking of judgment, decree of condemnation and forfeiture was entered and it was further ordered that the 148 cases of the product that had been seized should be destroyed by the United States marshal and that said claimant should pay all costs of the proceeding, amounting to \$50.33.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 21, 1912.